

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
Civil No. 5:16-CV-161-RLV-DCK**

MICHAEL FOSTER and RONALD)	
BOUCHARD, individually and for all others)	
similarly situated,)	
)	
Plaintiffs,)	DEFENDANT LOWE’S COMPANIES,
)	INC.’S SECOND CONSENT MOTION
v.)	TO EXTEND TIME FOR FILING OF
)	RESPONSIVE PLEADING
)	
LOWE’S COMPANIES, INC., and NILOY)	
INC. d/b/a DCT SYSTEMS,)	
)	
Defendants.)	

Defendant Lowe’s Companies, Inc. (“Lowe’s”) hereby moves the Court for an Order extending the time to December 30, 2016, by which Lowe’s is to file a responsive pleading to the Collective/Class Action Complaint of Plaintiffs Michael Foster and Ronald Bouchard. The Plaintiffs consent to this Motion. In support of this Second Consent Motion, Lowe’s states as follows:

1. On September 8, 2016, the Plaintiffs filed the Collective/Class Action Complaint.
2. With the Plaintiffs and Lowe’s in dispute as to whether the Plaintiffs had properly served the Summons and Complaint on Lowe’s, and with the Plaintiffs and Lowe’s also engaging in settlement discussions, the Plaintiffs and Lowe’s agreed – subject to Court approval – on a deadline of December 16, 2016, for the filing of Lowe’s responsive pleading.
3. On November 22, 2016, Lowe’s filed a Consent Motion to Extend Time for Filing of Responsive Pleading (Document No. 14), seeking a Court Order establishing December 16, 2016, as the date when its responsive pleading is due.

4. By Order of November 22, 2016, the Court granted Lowe's Consent Motion.
(Document No. 15).

5. Since that time, Lowe's has gathered and produced information to the Plaintiffs to assist them in settlement discussions. However, Lowe's is attempting to gather additional information to further assist the Plaintiffs in settlement discussions. That effort has taken longer than anticipated, and, consequently, Lowe's believes it needs more time to give settlement discussions a legitimate opportunity for success before filing a responsive pleading. The Plaintiffs concur and consent to this motion.

6. Consequently, through this Second Consent Motion, Lowe's seeks an Order granting an extension to December 30, 2016, by which Lowe's is to file a responsive pleading.

7. Defendant Niloy Inc. has not yet entered an appearance in the case, although on December 12, 2016, the Plaintiffs filed an Affidavit of Service stating that they had served a Summons and the Complaint on Niloy Inc. on December 5, 2016. (Document No. 16)

WHEREFORE, Lowe's requests that the Court enter an Order extending the time by which Lowe's is to file a responsive pleading to December 30, 2016.

This 15th day of December, 2016.

Respectfully submitted,

By: /s/ Ryan G. Rich

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of December, 2016, I caused a copy of the foregoing **DEFENDANT LOWE'S COMPANIES, INC.'S SECOND CONSENT MOTION TO EXTEND TIME FOR FILING OF RESPONSIVE PLEADING** to be electronically filed with the Clerk of Court using the CM/ECF system, which will send an electronic notification to all counsel of record.

/s/ Ryan G. Rich_____